

WORKING AMERICA

COMMUNITY AFFILIATE OF THE AFL-CIO

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June 5, 2013

Federal Election Commission
999 E St., NW
Washington, DC 20463

RE: ID Number C90011156

Attn: Jill Sugarman

Dear Ms. Sugarman:

I am responding to your letter dated May 15, 2013. Your letter states that Working America's FEC Form 5 24-hour independent expenditure report was late for expenses incurred on October 26, 2012. While Working America concedes that our report for expenditures incurred on October 26, 2012 was not filed by 11:59 p.m. on October 27, we submit the following factual explanation.

Working America was a client of NGP VAN during the 2012 election cycle. NGP VAN software products were utilized by Working America for all of its 2012 election reporting at the state and federal level, including the FEC Form 5 24-hour report filed for independent expenditures incurred on October 26, 2012.

On October 27, Jerri McCrave, Controller and Accounting Manager for Working America, contacted Drew Tappan from NGP VAN at 5:30 PM to advise that although she had successfully generated a report using NGP VAN software for Working America's October 26, 2012 independent expenditures, she needed to update data for the report and re-generate the file. At 8 PM on that same evening, Jerri McCrave sent the updated data to NGP VAN for filing. Drew Tappan attempted to regenerate the FEC Form 5 file for reporting. At 10 PM, Jerri McCrave re-contacted Drew Tappan and advised that the report was not generating from the NGP VAN software.

NGP VAN engineers attempted to perform some quick fixes mindful of the need to file the report before 11:59 PM, but they were unsuccessful in resolving the problem. NGP VAN engineers were forced to rewrite the report logic knowing that this would be time consuming and likely result in a slight reporting delay. It took several hours for the report logic to be rewritten and tested for errors. The test was successful and the software was updated for Working America at 3 AM on October 28. Louis Levine, Senior Vice President of NGP VAN personally re-generated the report and filed it with the Federal Election Commission (FEC). He received a filing confirmation that the report was received by the FEC at 3:55 AM on October 28.

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On Monday, October 29, Louis Levine contacted Debbie Chacona, Assistant Staff Director for the FEC's Reports Analysis Division. Without identifying Working America as the client, Louis advised her that he had a client who had technical difficulties filing their 24-hour independent expenditure report in a timely manner on October 27 due to an NGP VAN software issue and that the report was filed approximately 4 hours late. Ms. Chacona advised Louis Levine that because the delay was only a few hours there was nothing to worry about.

While the technological error resulted in a one-time, 3 hour and 56 minute delay in public disclosure, which was as soon as practicable reported to Debbie Chacona at the FEC, this minor delay in reporting was an exception to an otherwise exemplary reporting record. Working America takes its reporting obligations very seriously as noted by our history of timely and proper filings. When we became aware of the technological problem we immediately contacted NGP VAN who then worked without delay on correcting the error. Once fixed, the report was immediately filed.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me directly.


Sincerely,



Liz Towne
General Counsel

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Federal Election Commission
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